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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,371	02/19/2002	Michael Roberts	Roberts 7-9	8134
22046 7590 03/24/2009 Docket Administrator - Room 2F-192 Alcatel-Lucent USA Inc. 600-700 Mountain Avenue Murray Hill, NJ 07974				
			EXAMINER	
			WILSON, ROBERT W	
			ART UNIT	PAPER NUMBER
			2419	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,371

Applicant(s)

ROBERTS ET AL.

Examiner

ROBERT W. WILSON

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2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widengren (6,374,112) in view of Hart (U.S. Patent No.: 4,811,337) .

Referring to claim 1, Widengren teaches: a packet switched network architecture (UTRAN performs packet switching for both PSTN/ISDN and Internet which are packet switched networks per Fig 1) comprising a location area connected by a radio access network to at least two core networks having different functionality (radio I/F or location area radio which is associated with UTRAN (access network) to PSTN/ISDN and Internet which are core networks per Figure 1 and per col. 5 lines 29-54) wherein the radio access network switches packet transmission from each terminal in a location area to at least two core networks wherein the radio access network switches packet transmission from each terminal to at least each core network (The UTRAN or radio access network allows for each MS or terminal in the radio I/F associated with the UTRAN or location area to switch between PSTN/ISDN and Internet or core networks per Figure 1 and per col. 5 lines 29-54)

Widengren does not expressly call for: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks

Hart teaches: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks (Network BAC which is a primary network and network BC which is a backup network which have been interpreted as two core networks which have the same functionality because Ethernet protocol is run on both networks per Figure 1 and per col. 4 lines 20-29. Distributed load sharing is performed which sends packets over both BAC and BC and depends on the capacity of each network respectively per Figure 1 and per col. 4 lines 20-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks of Hart in place of one either one of the core networks of Widengren in order to improve the reliability of the network which would result in two core networks having the same functionality as well as a third core network having different

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functionality where packets are transferred between the two core networks having the same functionality based upon capacity.

Referring to claim 4, Widegren teaches: a method of allocating resources in a packet switched network (UTRAN per Fig 1 and per col. 5 lines 29-54 perform the method) comprising: allocating at least two core network having different functionality to a location area (The UTRAN allocates PSTN/ISDN and Internet or different core networks per Figure 1 and per col. 5 lines 29-54)

Associating each mobile user in the location area with one of the core networks (MS which has an inherent user is associated with radio I/F or location area with either the PSTN/ISDN or Internet or core networks per Figure 1 and per col. 5 lines 29-54) packet transmission from the mobile user in the location area to one of the core networks (UTRAN switches packets from the MS within inherent user to either PSTN/ISDN or Internet per Figure 1 and per col. 5 lines 29-54)

Widegren does not expressly call for: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks

Hart teaches: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks (Network BAC which is a primary network and network BC which is a backup network which have been interpreted as two core networks which have the same functionality because Ethernet protocol is run on both networks per Figure 1 and per col. 4 lines 20-29. Distributed load sharing is performed which sends packets over both BAC and BC and depends on the capacity of each network respectively per Figure 1 and per col. 4 lines 20-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks of Hart in place of one either one of the core networks of Widegren in order to improve the reliability of the network which would result in two core networks having the same functionality as well as a third core network having different functionality where packets are transferred between the two core networks having the same functionality based upon capacity.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S.

Patent No.: 6,374,112) in view of Hart (U.S. Patent No.: 4,811,337) further in view of

Architectural Aspects for the Evolution of Mobile Communications Towards UMTS by Berruto

which is an IDS document of record.

Referring to claim 3, the combination of Widegren and Hart: teaches the packet switched network of claim 1 and core network

The combination of Widegren and Hart do not expressly call for: network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the VLR determining capacity of the respective core networks

Berruto teaches: network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the VLR determining capacity of the respective core networks (the RAN will be used to integrate with GSM networks which have VLR and MSC which inherently keep track of resources or capacity of their respective core networks per Pg 1480 Para IV.A. 1.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the VLR determining capacity of the respective core networks of Berruto to the network architecture of the Widegren and Hart in order to support roaming between access networks.

Referring to claim 5, Widegren teaches: the packet switched network of claim 1 and core networks.

Widegren does not expressly call for: each core network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the capacity of the respective core network being determined by the capacity of the VLR.

Berruto teaches: each core network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the capacity of the respective core network being determined by the capacity of the VLR (The RAN will be used to integrate with GSM networks which have VLR and MSC which inherently keep track of resources or capacity of their respective core networks per Pg 1480 Para IV.A. 1)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MSC with VLR of Berruto each core network of Widegren in order to support roaming between access networks.

4. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S. Patent No.: 6,374,112) in view of Hart (U.S. Patent No.: 4,811,337) further in view of Boudreaux (U.S. Patent No.: 6,466,556)

Referring to claim 7, the combination of Widegren and Hart teaches the packet switched network of claim 1 and UTRAN

The combination of Widegren and Hart do not expressly call for: 2G functionality in the core networks

Bordreux teaches: 2G is a backward capability from 3G which is performed by UTRAN

It would have been obvious to one of ordinary skill in the art at the time of the invention to add 2G capability of Bordreux in to the two core networks of the combination of Widegren and Hart because 2G is a backward capability from what can be supported by UTRAN and therefore providing the capability to support legacy system

Response to Amendment

5. Applicant's arguments filed 1/6/09 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant's argument that Widegren does not teach: a packet switched network architecture comprising ...two core networks

Widegren teaches: a packet switched network architecture (UTRAN performs packet switching for both PSTN/ISDN and Internet which are packet switched networks per Fig 1 and core networks) comprising a location area connected by a radio access network to at least two core networks having different functionality (radio I/F or location area radio which is associated with UTRAN (access network) to PSTN/ISDN and Internet which are core networks per Figure 1 and per col. 5 lines 29-54) wherein the radio access network switches packet transmission from each terminal in a location area to at least two core networks wherein the radio access network switches packet transmission from each terminal to at least each core network (The UTRAN or radio access network allows for each MS or terminal in the radio I/F associated with the UTRAN or location area to switch between PSTN/ISDN and Internet or core networks per Figure 1 and per col. 5 lines 29-54)

The applicant should note that the ISDN has an inherent X.25 network which is a packet switched network.

The examiner respectfully disagrees with the applicant's argument that Widegren has to provide a technical teaching that provides a technical problem to be solved by Hart. KSR does not require a specific teaching be present in the second reference in order for the two references to be combined.

Widegren teaches: a packet switched network architecture (UTRAN performs packet switching for both PSTN/ISDN and Internet which are packet switched networks per Fig 1) comprising a

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location area connected by a radio access network to at least two core networks having different functionality (radio I/F or location area radio which is associated with UTRAN (access network) to PSTN/IDSN and Internet which are core networks per Figure 1 and per col. 5 lines 29-54) wherein the radio access network switches packet transmission from each terminal in a location area to at least two core networks wherein the radio access network switches packet transmission from each terminal to at least each core network (The UTRAN or radio access network allows for each MS or terminal in the radio I/F associated with the UTRAN or location area to switch between PSTN/IDSN and Internet or core networks per Figure 1 and per col. 5 lines 29-54)

Widengren does not expressly call for: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks

Hart teaches: at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks (Network BAC which is a primary network and network BC which is a backup network which have been interpreted as two core networks which have the same functionality because Ethernet protocol is run on both networks per Figure 1 and per col. 4 lines 20-29. Distributed load sharing is performed which sends packets over both BAC and BC and depends on the capacity of each network respectively per Figure 1 and per col. 4 lines 20-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks of Hart in place of one either one of the core networks of Widengren in order to improve the reliability of the network which would result in two core networks having the same functionality as well as a third core network having different functionality where packets are transferred between the two core networks having the same functionality based upon capacity.

The examiner respectfully disagrees with the applicant's argument that Widegren and Hart come from two different fields of technical endeavor because both patent come from the field of endeavor or networks.

Hart teaches at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks (Network BAC which is a primary network and network BC which is a backup network which have been interpreted as two core networks which have the same functionality because Ethernet protocol is run on both networks per Figure 1 and per col. 4 lines 20-29. Distributed load sharing is performed which sends packets over both BAC and BC and depends on the capacity of each network respectively per Figure 1 and per col. 4 lines 20-29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the at least two networks with same functionality or transmission from each terminal in dependence of capacity of the respective networks of Hart in place of one either one of the core

networks of Widengren in order to improve the reliability of the network which would result in two core networks having the same functionality as well as a third core network having different functionality where packets are transferred between the two core networks having the same functionality based upon capacity.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW
3/19/09